

Message Text

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PAGE 01 BERN 02480 161722Z

53

ACTION EUR-12

INFO OCT-01 ISO-00 SEC-01 SS-15 SP-02 L-03 H-02 NSC-05

SSO-00 NSCE-00 INRE-00 CIAE-00 INR-07 NSAE-00 EB-07

TRSE-00 COME-00 OMB-01 EURE-00 /056 W

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O 161658Z JUN 75

FM AMEMBASSY BERN

TO SECSTATE WASHDC IMMEDIATE 826

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E.O. 11652: N/A

TAGS: CFED, SZ, LS (SEC'S GENERAL REFRACTORIES CASE)

SUBJECT: JUDICIAL ASSISTANCE: SERVICE OF SEC COMPLAINTS IN
CONNECTION WITH THE GENERAL REFRACTORIES CASE

REF: STATE 138572

1. FDJP TODAY REFUSED, RPT REFUSED, TO SERVE SEC COMPLAINTS
IN THIS CASE. UPON RECEIPT OF PACKAGE CONTAINING COMPLAINTS
JUNE 14 EMBASSY CONTACTED ACTION OFFICER FDJP WHO AGREED
MEET EMBOFF AT FDJP 7:30 A.M. JUNE 16 (NEXT WORKING DAY) TO
RECEIVE COMPLAINTS. FDJP OFFICER RECEIVED COMPLAINTS AND
STATED THAT ALL MATTERS RELATING TO SEC REQUIRED "HIGHER
CLEARANCE".

2. AT 10:00 A.M. JUNE 16 EMBOFF RETURNED TO FDJP AND WAS
INFORMED BY DR. KURT MARKEES (FDJP EXPERT ON AMERICAN LEGAL
SYSTEM) THAT DOCUMENTS WOULD NOT BE SERVED. DR. MARKEES
STATED THAT IN HIS OPINION THIS CASE, ALTHOUGH "CIVIL" IN
U.S. WOULD BE CONSIDERED TO HAVE PENAL (NOT CRIMINAL)
SANCTIONS IN SWITZERLAND.

3. FYI: IN OFF RECORD CONVERSATION, MARKEES STATED THAT
TIME LIMITATIONS FORECLOSED IN DEPTH CONSIDERATION OF
THIS REQUEST. HIS MOST COMPELLING REASON, HOWEVER, WAS TRUE
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PAGE 02 BERN 02480 161722Z

CONCERN FOR TENUOUS STATUS OF SWISS RATIFICATION PROCESS OF

JUDICIAL ASSISTANCE TREATY. MARKEES REMINDED EMBOFF THAT DURING REQUIRED "CONSULTATIVE PERIOD" (WHEN SWISS INTEREST GROUPS HAD OPPORTUNITY TO VOICE OPINIONS ABOUT PROVISIONS OF TREATY) FDJP HAD TO REPEL HEAVY PRESSURE FROM SWISS BANKING ASSOCIATION TO SPECIFICALLY EXCLUDE FROM TREATY ANY ASSISTANCE IN SEC PROCEEDINGS. EMBASSY IS SATISFIED THAT THESE APPREHENSIONS ARE THE BASIS FOR REFUSAL TO CONSIDER SERVICE IN THE PRESENT CASE. WHEN ASKED WHETHER HE WOULD RECONSIDER REQUEST IF HE HAD MORE TIME TO REVIEW COMPLAINTS, MARKEES STATED "NOT BEFORE JAT RATIFICATION IS COMPLETED".

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BERN02480
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750209-0421
From: BERN
Handling Restrictions: n/a
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Legacy Key: link1975/newtext/t19750644/aaaabnxj.tel
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Review Content Flags:
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